

U.S. Department of Transportation

National Highway
Traffic Salety
Administration
CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Karl-Heinz Ziwica, General Manager Environmental Engineering BMW of North America LLC 1 BMW Plaza Montvale, NJ 07645-1866 NVS-214nja PE03-054

400 Beventh Street, S.W.

Washington, O.C. 20590

Dear Mr. Ziwica:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE03-054) to investigate allegations of fuel line leakage on model year 2002 and 2003 BMW motorcycles, and to request certain information.

This office has received six (6) Vehicle Owner Questionnaire's (VOQ) reporting fuel leakage at either the quick-disconnect coupler and/or the fuel line crimp connection on the motorcycles identified above. Copies of these reports are enclosed for your information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- <u>Subject vehicles</u>: all model year 2002 and 2003 BMW motorcycles manufactured for sale or lease in the United States with the subject component.
- Subject component: all flexible fuel lines with crimp connections.
- BMW: Bayerische Motoren Werke, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of BMW (including all business units and persons previously referred to), who are or, in or after 2001, were involved in any way with any of the following related to the alleged defect in the subject vehicles.
- Alleged defect: Fuel leaks from any crimp connection on a subject vehicle's fuel system.



<u>Document</u>: "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs. microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by BMW, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document, which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a nonidentical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available. "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as BMW has previously provided a document to ODI, BMW may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the each request verbatim above each response. After BMW's response to each request, identify the source of the information and indicate the last date the information was gathered.

- State, by vehicle model the number of subject vehicles BMW has manufactured for sale or lease in the United States.
- 2. By model state the number of each of the following, received by BMW, which relate to, or may relate to, the alleged defect:
 - a. Consumer / fleet complaints;
 - b. Field reports;
 - Reports involving a crash, injury, or fatality;
 - d. Reports involving a fire;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where BMW is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which BMW is/was a defendant or codefendant.

For subparts "a" through "g," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint). For "e" through "g," provide a summary of the event.

- 3. Separately, for each item within the scope of your response to Request No. 2, state the following information:
 - Vehicle VIN;
 - Vehicle's owner or fleet name (and fleet contact person), address, and telephone number;
 - c. Vehicle's model;
 - d. Vehicle's mileage at time of incident;
 - e. Incident date;
 - f. Date of manufacture; and
 - g. Date warranty coverage commenced.

If desired you may submit items "a" through "g" on an electronic disk. Excel or Microsoft Access 2000, are the preferred formats.

- 4. State by vehicle model, a total count for all warranty claims that have been paid by BMW to date that relate to, or may relate to, the alleged defect. Your response should include, but not be limited to, claims filed under warranty code 1612004800 and 1612024800. Please define all codes.
- 5. Produce copies of all communications and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that BMW has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or

communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that BMW is planning to issue within the next 120 days.

- 6. Describe all tests, studies, surveys, and/or investigations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, BMW. For each such action, provide the following information:
 - a. Action title or identifier.
 - b. Date action was initiated and completed;
 - c. All parties responsible for designing and/or conducting the action; and
 - d. A summary of the findings and/or conclusions resulting from the action.
- 7. Describe all modifications or changes made by, or on behalf of, BMW in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production, inventory(s) and/or sale, and if so, when;
 - g. When the modified component was made available as a service component, and
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that BMW is aware of which may be incorporated into vehicle production within the next 120 days.

- Produce two of each of the following:
 - a. Exemplar samples of each fuel hose assembly (ie: quick-disconnect coupler, crimp clamp and hose);
 - b. Field return samples of each fuel hose assembly exhibiting the subject failure mode; and
 - c. Any kits that have been released, or developed, by BMW for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect.
- 9. Furnish BMW's assessment of the alleged defect in the subject vehicle, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The failure mode(s);
 - d. The risk to motor vehicle safety that it poses; and
 - e. What warnings, if any, the operator and other people both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning?

This letter is being sent to BMW pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. BMW's failure to respond promptly and fully to this letter could subject BMW to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If BMW cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, BMW does not submit one or more requested documents or items of information in response to this information request, BMW must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

BMW's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 9, 2004. Please refer to PE03-054 in BMW's response to this letter. If BMW finds that it is unable to provide all of the information requested within the time allotted, BMW must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If BMW is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information BMW then has available, even if an extension has been granted.

If BMW claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, BMW must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. BMW is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

Please call Nate Seymour at (202) 366-6965 upon your receipt of this correspondence, and to discuss technical or other questions concerning this matter.

Sincerely,

Richard Boyd, Chief

Med/Heavy Duty Vehicle Division Office of Defects Investigation

Enclosure 1, 6 VOQs



DOT Auto Safety Hotline

FOR AGENCY USE ON	LY 258
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FOR AGENCY USE ONLY **DOT Auto Safety Hotline** Date Received Repository 🔲 Vehicle Owner's Question naire U.S. Department To Report Vehicle Safety Defects 1-888-DASH-2-DOT of Transportation Hetional Highway 12-SEP-2002 Reference No. (1-888-327-4236) Traffic Safety 7670K3 INTERNET newww.nhtsa.dot.gov/hotilne Administration OWNER INFORMATION (Type or Print) Dauting Telephone Number | E-mail Address Maria Addra e Number City Signature of Owner VEHICLE INFORMATION 17 digit Vehicle Identification Number Located at bottom of windshield on driver's side Model Model Year Make FAMILY R1150GS WR10439R527F46513 20:02 Date Purchased Dealer's Name and Telephone Number Engine: Fuel Type: 01-JUN-02 No: Cylinders Original Owner State Dealer's City Zio Cade × Vehicle Component Code Transmission Type Antilock Brakes **Provertrain** 072000 RUEL SYSTEM, GASOLINE: DELIVERY REAR WHEEL DRIVE Cruise Control Multiple Fallure: 3 PAILED COMPONENT(\$)/PART(\$) IMPORMATION Failure Speed Incident Date(s) Fafure Mileage 31-AUG-2002 Π ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TERE PAILURE Tire Make Tire Model (Name or Number) Tire Size (Example P215/65R15) DOT No. (Example: DOTMAL9ABCD36) Original Equipment Prior Repair Falkire Location: Tre Component Code The Fallure Type ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE Make: Date Manufactured: Model No./Name: Seat Type: Installation System: Child Sent Component Code: Failed Part: APPLICABLE INCIDENT INFORMATION (Please describe in detail the incidentis). Failure(s), Crash(as), and inturvities).) Crash Fire Number of Persons Injured Number of Deaths Reported to Police D N ☐Yes [X]No ☐ Yes [X] No o Marrative Description of Incident(5), Crack(oc), and Injury(les). Please describe (1) events leading up to the fallers, (2) fallers and its consequences, and (3) what was done to correct the fallers, La, parts repaired or replaced (and I old part is avails

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Include. If available: Police/Fire Department Report. Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF MECESSARY

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DOT Auto Safety Hotime

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Include, If syalbable: Police/Fre Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NETES
The Privacy Act of 1974-Public Lane 93-575 Tale information is requested personant to activately vested to the National Highmay Traffic Select Act and anterspects
meantments. You are under us abiguithe to respond this questions is. Your response may be used to equit the HITSA is determine which the should be the HITSA in determine an American selection of the specific action to correct a safety defect. If the HITSA proceeds with administrative enforcement or Hitgation against a manufacturer, year response to a statistical are many thereof, may be used in apport of the spency's action. ATTACH ADDITIONAL SHEETS IF NECESSARY

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DOT Auto Safety Hotiline

Vehicle Owner's Questionnaire

FOR AGENCY USE ONL	Y 100148
Date Received	Repository 🗌
15-MAY-2003	Reference No. 10018762

U.S. Departme of Transportable		YEN	o R	teport Vehi	s Quesci cle Safety	Def	inan e lecta	į.						
National High		_		1-688-D	ASH-2-D Ō1	ť		. !	15	MAY-2003	-	ference No.		
Traffic Safety		-			327-4236)		- -	- 1	15	·MA(1-2003	ł	018762		
Administration		TMI	H	ETaww.nh	08.700.68T	Y/N	ocune				۳ ا	010/02		
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Addr														
CITY														
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					VEHICLE I	2	MATION					·· · ·-		
17 digit Vahida liden	ii i yatiba	Number Locate	d at	bottom of winds	hield on driver's	dda	Make			Model		Model Year		
WB10499A122E8	6854						BMW			RT SERIES		2002		
Date Purchas 24-NOV-02		Dealer's Ner ABS BMW 8		nd Telephone 899893	Number	•				Engine: No: Cylinders 2		Fuel Type: Gas		
Ortoinal Owne	Original Owner Dealer's City KOSEVILLE						State CA	Zip Co	xde	, ., g				
Transmission Type	X W	ntilock Brakes	Pc	wertrain			Vehicle C			•				
MANUAL	RIVE		061100 E	NGINE	AND BN	SINE COOLING:EN	INE:€	ASOLINE						
MANUAL Cruise Control REAR WHEELDRIVE							Multiple F	alure:	1					
		·			COMPONE	M(E)/PART(S)	IMPOR	HATIC	IN .				
Incident Date(s) 06-MAY-2003	Failu	re Mileage 13115	Fal	lure Speed										
		1												
Tire Make		- AMU		AL ITEMS TO Tire Model (1	Name or Numb		WHEN KO			e Size (Example 92)	15/65	115)		
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Tire Component Co	de								The	Failure Type		<u> </u>		
		ADDITION	AL I	TEMS TO M	COMPLETED	WH	EN REPORT	TDG A	COLD	SEAT FAILURE				
Male:					ate Manufact	ured	l:	١	kođel No	./Name:				
Seat Type:				I	nstallation Sy:	stem								
Child Seat Compon	ent Cod	le:		Falled Part;										
				APPL Associated words	ICABLE INCI Visit in the Article					udari 1				
Crash	Fire			unities of Perso			mber of Dez			red to Police				
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Include, if available									A)	TACH ADDITIONAL	SHE	TS IE MECESSARY		
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or a statistical manuary thereof, may be used in support of the agency's action.

Por m /	Lograne	#:QN4	Ms. 2137	-4086

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DOT Auto Safety Hotline

FOR AGENCY USE ONL	Y 1368
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U.S. Departme of Transportati		Veh	icie Owne Fo Report Vi	3F° Shi	s Question de Safety Dei	maire fects	ľ	Care Received Reputatory (
National High			1-888	۳,	ASH-2-DÖT		- 1	074	-AUG-2003	8-1	ference No.	
Traffic Safety					327-4236)		- 1	07-	NOG-2003	l	029831	
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	04	NIMER INFOR	MATION (TY	38 (or Print)				Telephone Number	F :	T A delus es	
Name								-writing.	Takining talimgr	E-ma	all Address	
Addre										ł		
City									€ 7			
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle?												
					VEHICLE DIFO	MATEON						
17 digit Vahida Iden	tification	Number Locato	ed at bottom of w	inch	hield on driver's side				Model		Model Year	
WB10439B12ZF46427						BMW			BMW 11501	و	2002	
Date Purchased Dealar's Name and Telephone Number 01-JUN-02 BMW MANHATTAN									Engine: No: Cylinders <u>2</u>		Fuel Type: Gas	
Ortginal Own	Original Owner Dealer's City NEWYORK						Zip Cod	ie				
Transmission Type	Transmission Type Antilock Brakes Powertrain Vehicle Co											
Cruise Control							altre:					
-			FAI	1. 1	COMPONENT(S)/PARTYS	INFOR	MATE				
Incident Date(s) 01-JUL-2003	Failu	re Mileage 5500	Falura Speed									
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DOT No. (Example:		AL9ABC036)		r Re	i Equipment epair	Fallure Lox	cation:					
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Le, parts repaired						************	FICAM		ACCOUNT OF THE CASE			
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The Privacy Act of 197 bill duding eats, Year are								ا أدممنا ا	lightery Truffic Sufecy	JACK BIT	al subsequent	
should take segrepsia												

or a statistical summary thereof, busy he esad in support of the Agency's action.